



Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 1903
Falls Church, Virginia 22041

October 24, 2018

Matthew Hoppock
MuckRock
DEPT MR 59933
411A Highland Ave.
Somerville, MA 02144-2516

Re: FOIA 2018-47129

Dear Mr. Hoppock,

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek documents relating to Deputy Chief Immigration Judge Anthony Murry's role in *Matter of Castro-Tum*.

Responsive documents are enclosed. Portions of the enclosed documents have been redacted in accordance with 5 U.S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy, and/or 5 U.S.C. § 552(b)(5) to protect privileged information. The reason for redaction is clearly marked on each redacted portion. There will be no charge for the enclosed documents.

Please note that as Judge Murry retired from Federal service on or about August 2018, his Outlook calendar and other materials were not reasonably available as of the date of search.

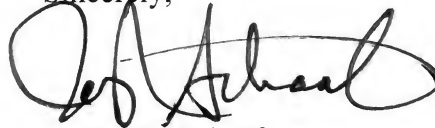
For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at

202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Schaaf", with a large, sweeping loop at the end.

Joseph R. Schaaf
Chief Counsel for Administrative Law

Enclosure:

EOIR FOIA# 2018-47129

From: [Neal, David L. \(EOIR\)](#)
To: [Ortiz-Ang, Susana \(EOIR\)](#)
Cc: [Carr, Donna \(EOIR\)](#); [Walker, Jake \(EOIR\)](#); [Keller, Mary Beth \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#); [Adkins-Blanch, Chuck \(EOIR\)](#)
Subject: Re: Email from Tony Murry re: Castro-Tum
Date: Friday, May 18, 2018 2:43:32 PM

The remand order has already been done, and the ROP is en route to the court. The FedEx tracking number is: 772268495001 <x-apple-data-detectors://5> .

On May 18, 2018, at 2:38 PM, Ortiz-Ang, Susana (EOIR) <Susana.Ortiz-Ang@EOIR.USDOJ.GOV> <<mailto:Susana.Ortiz-Ang@EOIR.USDOJ.GOV>> > wrote:

Dear Chairman Neal,

Per instructions from the Director, we have scheduled a hearing for Mr. Castro-Tum on May 31st, 2018. In order to conduct that hearing, this case has to be remanded to the IJ as quickly as possible. Otherwise the IJ will not be able to open the matter in CASE and record on DAR. The IJ is Steven A. Morley

Thank you for your kind attention to this matter

Tony Murry

From: [Keller, Mary Beth \(EOIR\)](#)
To: [McHenry, James \(EOIR\)](#)
Cc: [Reilly, Katherine \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#)
Subject: Re: Castro Tum
Date: Friday, May 18, 2018 10:10:38 AM

Will do.
Mtk

Sent from my iPad

> On May 18, 2018, at 9:53 AM, McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV> wrote:
>
> MaryBeth,
>
> Please confirm by COB today that Castro-Tum's next hearing has been scheduled for no later than May 31 and
that the hearing notice has been sent.
> Thanks.
>
> James

From: [Keller, Mary Beth \(EOIR\)](#)
To: [Cheng, Mary \(EOIR\)](#)
Cc: [Ortiz-Ang, Susana \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#); [Weil, Jack \(EOIR\)](#); [Maggard, Print \(EOIR\)](#)
Subject: Re: Castro Tum
Date: Friday, May 18, 2018 11:06:01 AM

Thank you!

Sent from my iPad

On May 18, 2018, at 10:29 AM, Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV
<<mailto:Mary.Cheng@EOIR.USDOJ.GOV>> > wrote:

Judge Keller,

We will be sure to get this done as instructed below.

Mary Cheng
Deputy Chief Immigration Judge

On May 18, 2018, at 10:12 AM, Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV
<<mailto:MaryBeth.Keller@EOIR.USDOJ.GOV>> > wrote:

All,

Please see the Director's instruction below and let me know when accomplished. The judge in the case was Morley in Philadelphia I believe, per an email from Dan yesterday, but please check me.

Thank you.

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Sent from my iPad

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Date: May 18, 2018 at 9:53:38 AM EDT
To: "Keller, Mary Beth (EOIR)" <MaryBeth.Keller@EOIR.USDOJ.GOV
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Cc: "Reilly, Katherine (EOIR)" <Katherine.Reilly@EOIR.USDOJ.GOV
<<mailto:Katherine.Reilly@EOIR.USDOJ.GOV>> >, "Sheehey, Kate (EOIR)" <Kate.Sheehey@EOIR.USDOJ.GOV
<<mailto:Kate.Sheehey@EOIR.USDOJ.GOV>> >, "Murry, Anthony (EOIR)" <Anthony.Murry@EOIR.USDOJ.GOV
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Subject: Castro Tum

MaryBeth,

Please confirm by COB today that Castro-Tum's next hearing has been scheduled for no later than May 31 and that the hearing notice has been sent.

Thanks.

James

From: [Keller, Mary Beth \(EOIR\)](#)
To: [Cheng, Mary \(EOIR\)](#)
Cc: [Weil, Jack \(EOIR\)](#); [Ortiz-Ang, Susana \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#); [Maggard, Print \(EOIR\)](#); [Paslerb, Mark \(EOIR\)](#)
Subject: Re: Castro Tum
Date: Friday, May 18, 2018 12:22:41 PM

Yes, thank you!

Sent from my iPad

On May 18, 2018, at 12:18 PM, Cheng, Mary (EOIR) <Mary.Cheng@EOIR.USDOJ.GOV> <<mailto:Mary.Cheng@EOIR.USDOJ.GOV>> > wrote:

Thank you, Jack!

Mary Cheng
Deputy Chief Immigration Judge

On May 18, 2018, at 12:17 PM, Weil, Jack (EOIR) <Jack.Weil@EOIR.USDOJ.GOV> <<mailto:Jack.Weil@EOIR.USDOJ.GOV>> > wrote:

I just spoke to Judge Morley. He has selected a date for hearing in the case and asked a legal assistant to prepare a notice. Once done, he will scan and email a copy of the notice to me. I will share it with you.

A few issues. We do not have access to the case in CASE since the case is not with the court in the system. The case went to the BIA and from there to the AG. The computer will therefore not let us schedule the hearing. The case has to make it's way back to the IJ level in CASE. We, however, manage the docket; not the computer. Accordingly, the case IS currently scheduled for a hearing on the docket by the court for a date and time specific and I have asked the staff to hand write a notice of hearing and mail it since we are unable to create a system generated notice. We will make CASE mirror the reality in the court as soon as we gain access to it. The computer and 800 number will not show the scheduling until we regain access to CASE but the case has been manually docketed for a date specific within the guidelines below. I have asked the legal assistant to keep a handwritten copy of the notice of hearing and enter it into CASE as soon as we regain access in the system. She has also opened an OIT ticket.

Thanks,

Jack

From: Cheng, Mary (EOIR)
Sent: Friday, May 18, 2018 10:30 AM
To: Keller, Mary Beth (EOIR) <MaryBeth.Keller@EOIR.USDOJ.GOV>

<<mailto:MaryBeth.Keller@EOIR.USDOJ.GOV>> >
Cc: Ortiz-Ang, Susana (EOIR) <Susana.Ortiz-Ang@EOIR.USDOJ.GOV> <<mailto:Susana.Ortiz-Ang@EOIR.USDOJ.GOV>> >; Murry, Anthony (EOIR) <Anthony.Murry@EOIR.USDOJ.GOV> <<mailto:Anthony.Murry@EOIR.USDOJ.GOV>> >; Weil, Jack (EOIR) <Jack.Weil@EOIR.USDOJ.GOV> <<mailto:Jack.Weil@EOIR.USDOJ.GOV>> >; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV> <<mailto:Print.Maggard@EOIR.USDOJ.GOV>> >
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Thank you.

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To: "Keller, Mary Beth (EOIR)" <MaryBeth.Keller@EOIR.USDOJ.GOV> <<mailto:MaryBeth.Keller@EOIR.USDOJ.GOV>> >
Cc: "Reilly, Katherine (EOIR)" <Katherine.Reilly@EOIR.USDOJ.GOV> <<mailto:Katherine.Reilly@EOIR.USDOJ.GOV>> >, "Sheehey, Kate (EOIR)" <Kate.Sheehey@EOIR.USDOJ.GOV> <<mailto:Kate.Sheehey@EOIR.USDOJ.GOV>> >, "Murry, Anthony (EOIR)" <Anthony.Murry@EOIR.USDOJ.GOV> <<mailto:Anthony.Murry@EOIR.USDOJ.GOV>> >
Subject: Castro Tum

MaryBeth,

Please confirm by COB today that Castro-Tum's next hearing has been scheduled for no later than May 31 and that the hearing notice has been sent.

Thanks.

James

From: [Keller, Mary Beth \(EOIR\)](#)
To: [Murry, Anthony \(EOIR\)](#)
Subject: Re: Castro Tum
Date: Friday, May 18, 2018 12:50:20 PM

Could you or Mary call Jack and ask how confident we are in the documentation of this unusual way we have to do the notice given the system limitations. Normally I would say we should follow regular procedure, which I don't think uses certified mail. But, given the odd way we are having to manually create and send the notice, it might be a good idea.

Sent from my iPad

On May 18, 2018, at 12:38 PM, Murry, Anthony (EOIR)
<Anthony.Murry@EOIR.USDOJ.GOV> wrote:

Shd they send a second notice by certified mail?

Sent from my iPhone

On May 18, 2018, at 12:29 PM, Keller, Mary Beth (EOIR)
<MaryBeth.Keller@EOIR.USDOJ.GOV> wrote:

Jack,

Hopefully by "hand write" you mean type out - :-).

Thanks -

Mtk

Sent from my iPad

On May 18, 2018, at 12:18 PM, Cheng, Mary (EOIR)
<Mary.Cheng@EOIR.USDOJ.GOV> wrote:

Thank you, Jack!

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Deputy Chief Immigration Judge

On May 18, 2018, at 12:17 PM, Weil, Jack (EOIR)
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will scan and email a copy of the notice to me.
I will share it with you.

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Thanks,
Jack

From: Cheng, Mary (EOIR)
Sent: Friday, May 18, 2018 10:30 AM
To: Keller, Mary Beth (EOIR)
<MaryBeth.Keller@EOIR.USDOJ.GOV>
Cc: Ortiz-Ang, Susana (EOIR) <Susana.Ortiz-Ang@EOIR.USDOJ.GOV>; Murry, Anthony (EOIR) <Anthony.Murry@EOIR.USDOJ.GOV>; Weil, Jack (EOIR) <Jack.Weil@EOIR.USDOJ.GOV>; Maggard, Print (EOIR) <Print.Maggard@EOIR.USDOJ.GOV>
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2018 at 9:53:38
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Cc: "Reilly,
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<Kate.Sheehey@EOIR.USDOJ.GOV>,
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Subject: Castro

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Subject: Re: Castro Tum
Date: Friday, May 18, 2018 2:22:20 PM

I can email David Neal and Donna

Sent from my iPhone

On May 18, 2018, at 2:18 PM, Keller, Mary Beth (EOIR)
<MaryBeth.Keller@EOIR.USDOJ.GOV> wrote:

Ok - could you please contact Jake Walker and Donna Carr at BIA to inform them of the Director's direction and that we need help from BIA to move the record?
Thanks.
Mtk

Sent from my iPad

On May 18, 2018, at 2:09 PM, Weil, Jack (EOIR)
<Jack.Weil@EOIR.USDOJ.GOV> wrote:

Trying to reach legal assistant to confirm mailing.

On May 18, 2018, at 2:08 PM, Murry, Anthony (EOIR)
<Anthony.Murry@EOIR.USDOJ.GOV> wrote:

Jack has hrg notice, May 31, is confirming it has been mailed. BIA has to order remand and physically return file before IJ can do hearing in CASE /DAR

Sent from my iPhone

On May 18, 2018, at 1:59 PM, Keller, Mary Beth (EOIR)
<MaryBeth.Keller@EOIR.USDOJ.GOV> wrote:

I'm an old fogie. Had to ask! Thanks Jack.
Once we have the date could you let me know.
Tx.

Sent from my iPhone

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I meant print out a blank hearing

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Subject: RE: Castro Tum
Date: Friday, May 18, 2018 2:50:04 PM
Attachments: [Hearing Notice A \(b\) \(6\) - Castro-Tum.pdf](#)

All,

The legal assistant processing this case has advised me that she has hand placed the attached notice into a USPS mailbox.

Thank you,
Jack

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Cc: "Reilly,
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(EOIR)"
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"Murry, Anthony
(EOIR)"
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Subject: Castro
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Thanks.

James

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
900 MARKET STREET, SUITE 504
PHILADELPHIA, PA 19107

RE: CASTRO-TUM, REYNALDO
FILE: (b)(6)

DATE: May 18, 2018

TO:
CASTRO-TUM, REYNALDO
(b)(6)

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on MAY 31, 2018 at 01:00 P.M. at:

900 MARKET STREET, SUITE 504 COURTROOM 3
PHILADELPHIA, PA 19107

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PHILADELPHIA, PA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 240-314-1500. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at www.usdoj.gov/eoir.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [X] ALIEN's ATT/REP [X] DHS
DATE: 05/18/2018 BY: COURT STAFF JAW V3
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

From: [Keller, Mary Beth \(EOIR\)](#)
To: [McHenry, James \(EOIR\)](#)
Cc: [Reilly, Katherine \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#); [Murry, Anthony \(EOIR\)](#)
Subject: Re: Castro Tum
Date: Friday, May 18, 2018 3:20:21 PM

James,

This is to confirm that the hearing has been scheduled for May 31 and the hearing notice has been sent.

Just fyi - because we did not yet have access to the case in the CASE system at the IJ level, it is not yet scheduled in the system, and thus will not yet show up on the 1800 number either. However, we did manually schedule the hearing, sent the notice, and will catch the system up asap - likely on Monday.

Per Chairman Neal, the remand order is done and the ROP is on its way back to the court now.

Mtk

Sent from my iPad

On May 18, 2018, at 9:53 AM, McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV>
<<mailto:James.McHenry@EOIR.USDOJ.GOV>> wrote:

MaryBeth,

Please confirm by COB today that Castro-Tum's next hearing has been scheduled for no later than May 31 and that the hearing notice has been sent.

Thanks.

James